

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

FEB 15 2017

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA

§

BY
DEPUTY _____

§

v.

§

6:17CR 10

§

ERIC RAY PORTLEY

§

JUDGE RC / KNM

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

COUNT ONE

Violation: 21 U.S.C. § 846 (Conspiracy to distribute and possess with intent to distribute cocaine and cocaine base, also known as crack cocaine)

Beginning in or about June, 2016, at a date unknown to the Grand Jury, and continuing thereafter through June 29, 2016, in Gregg County, Texas, in the Eastern District of Texas; in Montgomery County, Texas, in the Southern District of Texas; and elsewhere, **Eric Ray Portley**, Defendant herein, did knowingly and intentionally combine, conspire, confederate and agree together with others known and unknown to the Grand Jury, to knowingly and intentionally distribute and possess with intent to distribute cocaine and cocaine base, also known as crack cocaine, Schedule II controlled substances, in violation of the laws of the United States, to wit, 21 U.S.C. §

841(a)(1) prohibiting possession with intent to distribute and distribution of cocaine and cocaine base, Schedule II controlled substances.

OVERT ACTS

1. On or about June 3, 2016, in Longview, Texas, **Eric Ray Portley**, distributed approximately 22 grams of crack cocaine for \$1,100.
2. On or about June 19, 2016, in Montgomery County, Texas, **Eric Ray Portley** possessed approximately 55 grams of cocaine, and \$55,499 in United States currency.

All in violation of 21 U.S.C. § 846.

COUNT TWO

Violation: 21 U.S.C. § 841(a)(1) (Possession with intent to distribute cocaine base, also known as crack cocaine)

On or about June 3, 2016, in Gregg County, Texas, in the Eastern District of Texas, **Eric Ray Portley**, Defendant herein, did knowingly, intentionally and unlawfully possess with intent to distribute and did distribute approximately 22 grams of a mixture or substance containing a detectable amount of cocaine base, also known as crack cocaine, a Schedule II controlled substance.

In violation of 21 U.S.C. § 841(a)(1).

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE

Pursuant to 21 U.S.C. § 853, and 28 U.S.C. § 2461

As the result of committing one or more of the foregoing offenses alleged in this Indictment, Defendants herein, shall forfeit to the United States pursuant to 21 U.S.C. § 853, and 28 U.S.C. § 2461 any property constituting, or derived from proceeds the person obtained directly or indirectly, as the result of such violation; and any and all personal property used or intended to be used to commit the offense, including but not limited to the following:

Cash Proceeds

\$1,100 in United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate is property constituting, or derived from, proceeds obtained directly or indirectly, as the result of the foregoing offenses alleged in this Indictment.

Substitute Assets

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant –

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek

forfeiture of any other property of defendant up to the value of the above forfeitable

property, including but not limited to all property, both real and personal, owned by defendant.

By virtue of the commission of the offenses alleged in this Indictment, any and all interest the Defendants have in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 21 U.S.C. § 853, and 28 U.S.C. § 2461.

A TRUE BILL,

Date:

2/15/17



FOREPERSON OF THE GRAND JURY

BRIT FEATHERSTON
ACTING UNITED STATES ATTORNEY



MARY ANN COZBY
ASSISTANT U.S. ATTORNEY

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JUDGE _____

NOTICE OF PENALTY

COUNTS 1-2

Violation: 21 U.S.C. §§ 841(a)(1) and 846

Penalty: If less than 28 grams of cocaine base or less than 500 grams of cocaine, not more than 20 years imprisonment, a fine not to exceed \$1,000,000, or both, and supervised release of at least 3 years.

Special Assessment: \$100.00